



U.S. DEPARTMENT OF LABOR

Office of the Assistant Secretary for
Veterans Employment and Training
33 South State, Room 8174 South
Chicago, Illinois 60605
Phone: (312) 793-3440
FAX: (312) 793-4795

JUDGE ZAGEL
MAGISTRATE JUDGE SCHENKIER

October 18, 2007

08 C 448

Michael A. Paull
KLEIN DU B & HOLLEB, LTD
660 LaSalle Place, Suite 100
Highland Park, IL 60035

Re: Michael Camacho
File No. IL-2007-000144-10-R

Dear Mr. Paull:

The interviews conducted on September 18 with Jade Augustine, Margo Lowenstein, Sarah Holum and Scott Merrifield and on September 19 with Ron Roden (Roden) at our Chicago office lend credibility to the charges made by Micheal Camacho (Camacho). Camacho was given initially a 4th Quarter Performance rating of 5 by Scott Merrifield (Merrifield). Merrifield said that he considered Mr. Camacho to be the lead person on the Phoenix project and that goals set for the project had not been met which was a major reason for his receiving a 5 rating (later changed to 4). Merrifield also stated that there were no individual goals, but team goals that had been established. During his interview, Roden stated that he was responsible for the Phoenix project and would have been considered the team leader. Roden presented his own 4th Quarter Review in which one of the comments by the reviewer (Merrifield) states "Ron has implemented the Phoenix project while letting Camacho take on a lot of responsibility." (Exhibit 1). Roden also presented emails that demonstrate that Camacho was not initially included among the personnel Merrifield designated to handle the project during the first phase. The first email from Merrifield of 11/29/2006 includes only Roden and Coffey for the initial setup. Only after Roden suggested to Merrifield that Camacho be included in the network setup did he include Camacho in the setup phase. (Exhibit 2). Camacho was only one of four who worked on the Phoenix project, Rhoden, Camacho, Coffey and Winchester. Roden was given an overall rating of 3 on his performance (Exhibit 1). What performance ratings did Coffey and Winchester receive? Roden also stated that Team Track was a cumbersome administrative function, not user friendly and that one had to have access to get into the program. Not keeping up with Team Track was noted by Merrifield as another reason for his 5 rating. Camacho may not have had access until January, 2007. (Exhibit 3). In addition, Camacho informed Merrifield on numerous occasions that he

needed assistance with team track, to no avail (Exhibit 4). Roden stated that he would not have been able to help because of his travel commitments.

Roden also presented evidence that Camacho's position change from Lan Administrator to Network Engineer should be considered a promotion. He stated that David Wolfe (Wolfe) in announcing the IT restructuring, said that this change was a promotion. An Excel spreadsheet which came out shortly thereafter substantiates this (Exhibit 5). Roden said that he found out that Camacho was a member of the Reserves when in May 2005, someone asked shortly after he had been hired, where Camacho was. Wolfe said that he had to go on his military duty and "if I'd known he was in the military, I would not have hired him".

Roden stated that Camacho and Corey Fricke's 2nd Quarter Performance rating change was unwarranted. The 2's were all earned, with only a staff of 5 supporting over 1200 users. Wolfe after having previously approved the ratings with Roden, changed Camacho and Fricke's ratings from 2 to 3. No reason was provided for the change. Wolfe said that Camacho wasn't pursuing his personal development, but was informed that he was in fact pursuing his Masters degree. Roden stated that Human Resources has to unlock the file to change the rating, and that Wolfe had to have been given access by Human Resources to make the changes. Holum in her interview, stated that a file could be changed without Human Resources knowledge. Was Human Resources aware of the rating change prior to its being brought up by Camacho in December 2006 to Sarah Holum?

Both Jade Augustine and Sarah Holum stated that Careerbuilder.com was an open organization, that there were not any formal job descriptions nor salary bands. This runs contrary to emails of January 29, 2007 (Exhibit 6) and December 1, 11, and 12 (Exhibit 7) which indicate that job descriptions are important. Sarah Holum in her interview said that she did not instruct Margo Lowenstein regarding Camacho's military obligations other than to clarify a Military Leave vs. a Paid Time Off issue. (Exhibit 8) indicates otherwise. Again, a credibility issue.

In one of the emails provided (Exhibit 9), Sarah Holum on April 27, 2007 writes to Merrifield that "Since it looks like Mike won't be giving us a whole lot of advanced notice before he returns to work, which is within this rights, we will want to have a PIP ready for him when he gets back. If you could draft something, while it's still fresh in your mind, and send it on to me, that would be appreciated." Merrifield replies on April 30, 2007 "Thanks for the update Sara. I will get that PIP to you." (Exhibit 9). On April 6, Holum in an email reminds Merrifield of having to get together a PIP for Camacho (Exhibit 10) and on April 23, Holum sends an email to Merrifield stating that "we need to talk about Camacho's goals and his PIP, we should have this in place by the time he returns to work...which could be any day now" (Exhibit 11). Even earlier, on January 29, 2007 Holum sent Merrifield a PIP document and Job description template (Exhibit 6). During the interview with Merrifield, he stated that a PIP had never been written for Camacho. Camacho turned in his letter of resignation on July 16, 2007, certainly enough time for a PIP to have been written, unless there was little basis for a PIP to be written for Camacho. Roden stated that Merrifield did not give Camacho any goals and that

Camacho took the initiative to come to him for assistance and direction. Roden stated that Camacho's 4th quarter review did not make any sense.

Michael Camacho is not seeking reinstatement with Careerbuilder.com but believes that he has been discriminated against because of his military status and would like an amicable resolution to be reached. If no resolution is reached, Camacho can request referral to the Attorney General or close the file, and pursue the claim via private counsel at his own expense.

A response within 10 days after receipt of this correspondence would be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Randall Hori", with a horizontal line extending to the right.

Randall Hori
Assistant Director